

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	8:05CR93
)	
v.)	ORDER
)	
RUDOLPH GEORGE STANKO,)	
)	
Defendants.)	

This matter is before the court on miscellaneous motions filed by the defendant, Rudy Stanko.

Filing No. 120, Petition for Reconsideration

Defendant asks this court to reconsider its December 9, 2005, order on the basis that he wishes to reply to the government's responses, some of which were allegedly untrue and not supported by the law or evidence. The court has carefully reviewed defendant's motion for reconsideration and supporting brief and concludes that the motion, Filing No. 120, will be denied.

Filing Nos. 121 and 139, Motions to Dismiss the Indictment

Defendant moves to dismiss the indictment, arguing that prosecution of this case is a bill of attainder and that the right to bear arms cannot be deprived without due process of law. The court has previously ruled on the motion to dismiss the indictment/declaratory judgment motion and has instructed the parties that the issue regarding whether the applicability of the Federal Meat Inspection Act felony conviction applies will be determined at trial. As the court stated in its order of December 15, 2005, the court will not continue to address claims it has already decided. Filing Nos. 47 and 106 and Memorandum and Order dated December 15, 2005. Defendant's argument about his right to bear arms is not applicable to this case. Defendant's motions, Filing Nos. 121 and 139, are denied.

Filing No. 124, Petition for Discovery

Defendant requests discovery in the possession of the government including trace history of each gun, tape of house voice machine recording, photographs, contents in the safe, indicia from the master bedroom, Alltel bill in the name of Butch Stanko, and copies of receipts showing ammunition transactions as alleged in the indictment. The government has previously represented to the defendant and to the court that it has an open file policy and has provided the defendant with all requested discovery. To the extent that the government has any of these additional items, the government is instructed to supply the same to the defendant at the government's earliest convenience. To the extent that any of the requests are objectionable, the government shall withhold such information and shall file an objection outlining its reasons for not producing such information to the defendant. The petition for discovery, Filing No. 124, is granted as set forth herein.

Filing Nos. 125, 133, and 138, Petitions to Suppress Evidence

Defendant moves to suppress evidence seized in his case. The court entered an order on December 13, 2005, setting these and all other motions to suppress for December 28, 2005, at 11:00 a.m.

THEREFORE, IT IS ORDERED:

1. Filing No. 124 is granted;
2. Filing Nos. 120, 121 and 139 are denied; and
3. Filing Nos. 125, 133, 138 and other suppression motions will be heard on December 28, at 11:00 a.m.

Dated this 15th day of December, 2005.

BY THE COURT:

s/ Joseph F. Bataillon
United States District Judge